

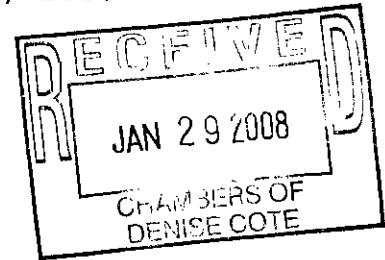
United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 28, 2008

BY HAND

MEMO ENDORSED



Honorable Denise Cote
United States District Judge
United States Courthouse
500 Pearl Street, Room 1040
New York, New York 10007

Re: Marion Curto v. Barnhart
07 Civ. 3711 (DLC)

Dear Judge Cote:

This Office represents the Commissioner of Social Security, defendant in the above-captioned action. We write respectfully, with the consent of plaintiff's counsel, to request an adjournment nunc pro tunc of the Court's briefing schedule.

The parties have cross-moved for remand. After this Court granted the parties' previous request for an adjournment, defendant's reply brief was due by January 10, 2008, and plaintiff's reply, if any, was due by January 24, 2008. Because of a docketing error on my part, however, I failed to calendar the new date for defendant's reply brief. I apologize to the Court and plaintiff for this inadvertent oversight. Counsel for the parties have discussed this matter further and respectfully request that the Court adopt the following amended briefing schedule:

- 1) Defendant's reply, if any, is due by January 29, 2008.
- 2) Plaintiff's reply, if any, is due by February 15, 2008.

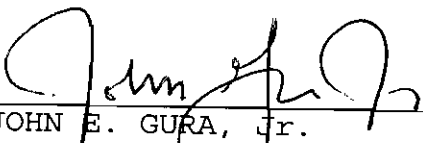
We appreciate the Court's consideration of this request.

Granted, nunc pro tunc.
Denise Cote
February 4, 2008

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:



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